


1 civil litigation.

2 6. Respondent is aware that any violation of said Consent
3 Order constitutes unprofessional conduct pursuant to A.R.S. § 32-
4 1854(26) and may result in disciplinary action pursuant to A.R.S.
5 § 32-1855.

6 ACCEPTED this 21st day of September, 1993.

7 Board of Osteopathic Examiners

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9 
10 Donald H. Nelson, D.O.

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13 Robert J. Miller, Ph.D.
14 Executive Director

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17 FINDINGS OF FACT

18 1. The Board of Osteopathic Examiners of the State of Arizona
19 ("Board") is the duly constituted authority for the regulation and
20 control of the practice of osteopathic medicine in the State of
21 Arizona.

22 2. Donald H. Nelson, D.O., is the holder of License
23 No. 2846 for the practice of medicine in the State of Arizona.

24 3. Donald H. Nelson, D.O., was the holder of License No.
25 R2D46, issued by the Missouri Board of Registration in the Healing
26 Arts.

27 4. On June 17, 1993, Donald H. Nelson, D.O. entered into an
28 Agreement with the Missouri Board of Registration in the Healing
Arts, wherein said Agreement he admitted to violations of Missouri
state statutes such that cause existed for disciplinary action to
be taken against his license as a physician and surgeon pursuant to

1 Missouri statutes governing the practice of medicine.

2 5. The agreement between Donald H. Nelson, D.O., and the
3 Missouri Board of Registration in the Healing Arts included a
4 specific admission by Respondent on October 19, 1989 he entered a
5 plea of guilty to driving while having a blood alcohol content in
6 excess of .10.

7 6. The agreement, between Donald H. Nelson, D.O., and the
8 Missouri Board of Registration in the Healing Arts included a
9 specific admission by Respondent that on July 21, 1989 he entered
10 a plea of guilty to driving while intoxicated on said date.

11 7. As part of that agreement, Donald H. Nelson, D.O. agreed
12 to voluntarily surrender License No. R2D46 for the practice of
13 medicine and surgery retroactive to September 10, 1990 as a means
14 of resolving the issues and charges set forth above.

15 8. On June 30, 1993, Donald H. Nelson, D.O., submitted an
16 application for licensure to practice osteopathic medicine in the
17 state of Arizona to the Arizona Board of Osteopathic Examiners in
18 Medicine and Surgery.

19 9. As part of his licensure application materials, Donald H.
20 Nelson, D.O. disclosed to the Arizona Board of Osteopathic
21 Examiners in Medicine and Surgery that his License No. R2D46 for
22 the practice of medicine and surgery issued by the Missouri Board
23 of Registration in the Healing Arts, was voluntarily surrendered in
24 lieu of disciplinary action being taken against said license.

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26 CONCLUSIONS OF LAW

27 1. The Arizona Board of Osteopathic Examiners in Medicine and
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1 Surgery possesses jurisdiction over the subject matter hereof and
2 over Donald H. Nelson, D.O., pursuant to A.R.S. § 32-1801, et seq.

3 2. The conduct described in paragraphs 5 and 6 above
4 constitutes unprofessional conduct in accordance with A.R.S. § 32-
5 1854.38: Violating a federal law, a state law or a rule applicable
6 to the practice of medicine.

7 3. The Board has authority to enter into an agreement for the
8 stipulated disposition of this matter pursuant to A.R.S. § 41-
9 1061(D).

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11 ORDER

12 Pursuant to the authority vested in the Board by A.R.S. § 32-
13 1855.E.4 and § 41-1061.D, IT IS HEREBY ORDERED THAT:

14 1. DONALD H. NELSON, D.O. (Respondent) shall be placed on
15 probation for a period of three (3) years. Respondent may submit
16 a request for reduction in the term of probation; however, the
17 Board shall have the sole authority and discretion to modify the
18 duration of the period of probation.

19 2. DONALD H. NELSON, D.O., shall submit to random urinalysis
20 testing administered by the Board or an agent of the Board.
21 Samples of biological fluids of DONALD H. NELSON, D.O. will be
22 collected by an agent of the Board at times which are within the
23 sole discretion of the Board. All costs associated with the
24 collection and analysis of such fluids shall be borne by DONALD H.
25 NELSON, D.O.

26 3. DONALD H. NELSON, D.O. shall use no controlled substance
27 or prescription-only medication unless prescribed by his attending
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1 physician. DONALD H. NELSON, D.O. shall refrain completely from
2 the use of alcohol. DONALD H. NELSON, D.O. shall notify the Board
3 in writing of any substance or medication prescribed him by a
4 physician within twenty-four hours after such prescription is
5 ordered by the attending physician.

6 4. DONALD H. NELSON, D.O. shall meet regularly with the Board
7 as ordered by the Board in its discretion to review his compliance
8 with the terms of the Order.

9 5. DONALD H. NELSON, D.O. shall authorize any attending
10 physician, psychiatrist or psychologist to release to the Board all
11 records pertaining to his care and treatment.

12 6. DONALD H. NELSON, D.O. shall attend a group therapy
13 meeting, with a psychiatrist or psychologist licensed by the state
14 of Arizona and approved by the Board, no less than two times per
15 month and DONALD H. NELSON, D.O., shall authorize that psychiatrist
16 or psychologist to provide regular reports to the Board detailing
17 his attendance, participation and progress in and with such
18 meetings.

19 7. DONALD H. NELSON, D.O., shall attend a private counseling
20 session no less than once per week with a psychiatrist or
21 psychologist licensed by the state of Arizona and approved by the
22 Board, and DONALD H. NELSON, D.O., shall authorize that
23 psychiatrist or psychologist to provide regular reports to the
24 Board detailing his attendance and program.

25 8. DONALD H. NELSON, D.O., shall, within 15 days of the
26 effective date of this order, notify the Board of the name(s) of
27 the psychiatrist or psychologist who will be providing the
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1 treatment services identified in paragraphs 6 and 7 of this order.

2 9. DONALD H. NELSON, D.O., shall submit to a psychological
3 and/or medical evaluation by a psychiatrist and/or psychologist
4 (hereinafter "Board therapist") designated by the Board. Said
5 evaluation shall be conducted as soon as conveniently possible but
6 in no event later than ninety (90) days from the effective date of
7 this order. The Board's executive director is authorized to select
8 the Board's therapist and give notice in writing to Dr. Nelson who
9 shall then schedule an appointment(s) with the Board's therapist.
10 As part of the evaluation the Board directs that the Board's
11 therapist be provided with all information from the Board's
12 administrative records concerning Dr. Nelson's substance abuse
13 history while he was licensed in the state of Missouri. The
14 Board's therapist shall, upon completion of the evaluation, provide
15 a recommendation for type of treatment (e.g. group chemical
16 dependency program and/or individual psychotherapy) and frequency
17 of treatment if deemed necessary and appropriate. Dr. Nelson shall
18 continue to comply with the requirements of paragraphs (6), (7) and
19 (8), until and unless the Board decides to modify the terms of the
20 aforementioned paragraphs. Upon receipt of the psychological
21 evaluation by the Board, this matter shall be placed on the Board's
22 agenda for discussion and review.

23 10. DONALD H. NELSON, D.O., shall bear any and all costs
24 associated with his compliance of the terms of this order.

25 11. Failure to comply with all terms of this order
26 constitutes unprofessional conduct pursuant to A.R.S. § 32-1854.26.

1 DATED this 21st day of September, 1993.

2 ARIZONA STATE BOARD OF OSTEOPATHIC
3 EXAMINERS IN MEDICINE AND SURGERY

4 By Paul M. Steingard D.O.
5 Paul M. Steingard, D.O.
6 Vice-President

7 [S E A L]

8 By Robert J. Miller
9 Robert J. Miller, Ph.D.
10 Executive Director